



INTERIOR BOARD OF INDIAN APPEALS

WELSA Heirship Determination of Martha Leecy Hodgkins

24 IBIA 112 (07/14/1993)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

WELSA HEIRSHIP DETERMINATION : Order Docketing and Dismissing
OF MARTHA LEECY HODGKINS : Appeal
:
: Docket No. IBIA 93-100-W
:
: July 14, 1993

On July 12, 1993, the Board of Indian Appeals received an apparent notice of appeal in this matter, which concerns a heirship determination made under the White Earth Reservation Land Settlement Act of 1985. Upon checking with the office of Administrative Judge Sandra L. Massetto, the Board learned that the notice had also been filed with her and that she intended to treat it as a petition for reconsideration or rehearing under 43 CFR 4.354.

Under 43 CFR 4.356, a party aggrieved by a decision of the Administrative Judge has the option of requesting reconsideration/rehearing by the Administrative Judge or appealing to the Board. In this case, it is not clear which course appellant intended to take. However, because Judge Massetto will treat the notice as a petition for reconsideration/rehearing, it would be inappropriate for the Board to consider the matter at this time. Any party aggrieved by Judge Massetto's decision upon reconsideration/rehearing may appeal to the Board from that decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed but dismissed as premature.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge